

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

OPTIMUMPATH, L.L.C.,

Plaintiff,

vs.

BELKIN INTERNATIONAL, INC.,
CISCO-LINKSYS L.L.C., D-LINK
SYSTEMS, INC., NETGEAR, INC. and
SMC NETWORKS, INC.,

Defendants.

AND RELATED COUNTERCLAIMS

CASE NO. 4:09-CV-1398-CW

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING DEADLINE FOR
DEPOSITION OF APPLE, INC.**

STIPULATION

Plaintiff OptimumPath, L.L.C. ("Plaintiff") and Defendants Belkin International, Inc., Cisco-Linksys LLC, D-Link Systems, Inc., NETGEAR, Inc., and SMC Networks, Inc. (collectively "Defendants"), through their counsel of record, stipulate as follows:

1. The Court granted Defendants' request to take limited discovery from third party Apple, Inc. ("Apple") on October 22, 2010, which included the deposition of Apple (Docket No. 223.)

2. The Court ordered that this discovery take place by November 30, 2010. (*Id.*) Plaintiff and Defendants were prepared to go forward with the deposition within this timeframe set by the Court.

3. Apple did not make a witness available for deposition until the week of December 6, 2010. Plaintiff learned this fact from Defense counsel. Plaintiff was not involved in the scheduling of the deposition and had no contact with Apple regarding the deposition schedule. Defendants, Plaintiff and Apple have agreed to conduct the Apple deposition on December 9, 2010.

4. Plaintiff and Defendants agree that the deadline to take Apple's third party deposition is extended up to and including December 9, 2010. Plaintiff and Defendants further agree that this extension will not affect any deadlines established by Judge Wilken, including the trial date of May 23, 2011.

DATED: November 23, 2010

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By /s/ Todd M. Briggs

Todd M. Briggs

Attorneys for Belkin International, Inc., Cisco-Linksys LLC, D-Link Systems, Inc. and NETGEAR, Inc.

1 DATED: November 23, 2010

GOLDSTEIN, FAUCETT & PREBEG, LLP

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3 By /s/ Edward W. Goldstein

4 Edward W. Goldstein

Attorneys for Plaintiff OptimumPath, L.L.C.

5 DATED: November 23, 2010

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7 By /s/ Eric Benisek

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28 Counsel for Defendant SMC Networks, Inc.

ATTESTATION OF E-FILED SIGNATURE

I, Todd M. Briggs, am the ECF user whose ID and password are being used to file this Stipulation and Proposed Order. In compliance with General Order 45, X.B., I hereby attest that Eric Benisek, counsel for Defendant SMC Networks, Inc., and Edward Goldstein, counsel for Plaintiff OptimumPath, have concurred in this filing.

DATED: November 23, 2010

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Todd M. Briggs
Todd M. Briggs
Attorneys for Defendants Belkin International,
Inc., Cisco-Linksys L.L.C., D-Link Systems,
Inc., and NETGEAR, Inc.

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CASE NO. 4:09-CV-1398-CW

**~~PROPOSED~~ ORDER GRANTING
STIPULATION EXTENDING DEADLINE
FOR DEPOSITION OF APPLE, INC.**

CAME FOR CONSIDERATION the Stipulation Extending Deadline for Deposition of
Apple, Inc. After consideration, the Court orders the Stipulation to be GRANTED.

IT IS SO ORDERED.

DATED: NOVEMBER 29, 2010


Hon. Claudia Wilken
United State District Judge